



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

Fax: 804-698-4019 - TDD (804) 698-4021

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4020
1-800-592-5482

MINUTES STATE WATER CONTROL BOARD

Thursday, September 27, 2012
General Assembly Building, House Room D
Richmond, Virginia

Board Members Present:

W. Shelton Miles, III, Chair
William B. Bott
Heather L. Wood

Robert L. Dunn, Vice-Chair
Roberta A. Kellam
William A. Pruitt

Board Member Absent:

Thomas V. Van Auken

Department of Environmental Quality:

David K. Paylor, Director

Cindy M. Berndt

Attorney General's Office:

David C. Grandis, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened on Thursday, September 27, 2012, at 10:04 a.m. and adjourned at 11:10 a.m.



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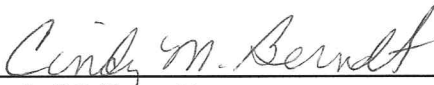
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 27, 2012

MINUTE NO. 1 - Minutes

The Board approved the minutes from the June 25, 2012, meeting as contained in the Board book.


Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 27, 2012

MINUTE NO. 2 - General VPDES Permit Regulation For Discharges From Petroleum Contaminated Sites, Groundwater Remediation And Hydrostatic Tests (9VAC25-120)

Prior to the meeting the Board was provided with a revised draft of the Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests general permit regulation and a memorandum summarizing all the changes to the regulation. Burt Tuxford gave the staff presentation and discussed the changes to the regulation since the proposed stage.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the General Virginia Pollutant Discharge Elimination System Permit Regulation for Discharges from Petroleum Contaminated Sites, Groundwater Remediation and Hydrostatic Tests, 9VAC25-120, and to affirm that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of this regulation, as provided by the Administrative Process Act.


Melanie D. Davenport
Water Division Director



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 27, 2012

MINUTE NO. 3 - General VPDES Permit For Non-Contact Cooling Water Discharges of 50,000 Gallons Per Day or Less (9VAC25-196)

Prior to the meeting the Board was provided with a revised draft of the Non-Contact Cooling Water Discharges general permit regulation and a memorandum summarizing all the changes to the regulation. Burt Tuxford gave the staff presentation and discussed the changes to the regulation since the proposed stage.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendments to the General Virginia Pollutant Discharge Elimination System Permit For Non-Contact Cooling Water Discharges of 50,000 Gallons Per Day or Less, 9VAC25-196, and to affirm that it will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of this regulation, as provided by the Administrative Process Act.

A handwritten signature in blue ink that reads "Melanie D. Davenport".

Melanie D. Davenport
Water Division Director



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 27, 2012

MINUTE NO. 4 – General VPDES Permit Regulation for Concrete Products Facilities (9VAC25-193)

This proposed regulation is for the reissuance of the General VPDES Permit Regulation for Concrete Products Facilities. The current general permit will expire on September 30, 2013. Prior to the meeting the Board was provided with briefing materials including a draft of the amended regulation and a memorandum summarizing the proposed changes. Elleanore Daub from the Office of VPDES Permits gave a brief summary of the significant proposed amendments to the regulation.

Board Decision:

Based on the briefing materials and the staff presentation, the Board voted unanimously to authorize a notice of public comment period and public hearing for amendments to the General VPDES Permit Regulation for Concrete Products Facilities (9VAC25-193). The Board also authorized the staff to serve as hearing officer for the public hearing.

A handwritten signature in blue ink that reads "Melanie D. Davenport".

Melanie D. Davenport
Water Division Director



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MINUTE NO. 5 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Program Manager, reported to the Board that there were no major facilities to be reported as being in significant noncompliance for the quarter ending March 31, 2012.

The Board accepted the report.

A handwritten signature in cursive script, reading "Kathleen F. O'Connell".

Kathleen F. O'Connell
Water Enforcement Program Manager
Division of Enforcement



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MINUTE NO. 6 – VPDES Program Consent Special Orders

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board the Consent Special Orders for:

1. Town of Christiansburg
2. King George County Service Authority, Dahlgren District WWTP
3. Presidential Service Company, Tier II, Inc.
4. Reynolds Inliner, LLC
5. City of Emporia, Emporia WWTP
6. GEI Stratford, LLC and Stratford-Bethany, LLC
7. New Kent County, Parham Landing WWTP
8. GSKS Properties, LC
9. Enviro Organic Technologies, Inc.
10. New Market Poultry, LLC

The Board unanimously approved the Orders and further authorized the Department's Director to execute the Orders on the Board's behalf and to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.

A handwritten signature in cursive script, reading "Kathleen F. O'Connell".

Kathleen F. O'Connell
Water Enforcement Program Manager
Division of Enforcement



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MINUTE NO. 7 – VWP Program Consent Special Orders

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board the Consent Special Orders for:

1. Campbell County
2. David LeSeur
3. Carter Oaks, LLC
4. Douglas R. Sowers

The Board unanimously approved the Orders and further authorized the Department's Director to execute the Orders on the Board's behalf and to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.


Kathleen F. O'Connell
Water Enforcement Program Manager
Division of Enforcement



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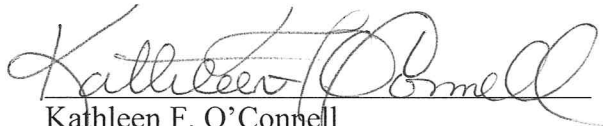
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MINUTE NO. 8 – UST/Oil Programs Consent Special Orders

Kathleen O'Connell, Water Enforcement Program Manager, presented to the Board the Consent Special Orders for:

1. Empire Petroleum Partners, LLC, Lunenburg, Franklin and Nottoway County Facilities
2. Jai Jalram
3. Virginia Hospital Center Arlington Health System
4. Empire Petroleum Holdings, LLC Waynesboro Facility
5. Rio Holdings, LLC

The Board unanimously approved the Orders and further authorized the Department's Director to execute the Orders on the Board's behalf and to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.


Kathleen F. O'Connell
Water Enforcement Program Manager
Division of Enforcement



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MINUTE NO. 9 – Public Forum

No one appeared during the public forum.

A handwritten signature in cursive script that reads "Cindy M. Berndt".

Cindy M. Berndt



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MINUTE 10 - Development of FY 2013 Clean Water Revolving Loan Funding List

Mr. John Kennedy, Office of Ecology and Infrastructure Director, made a presentation to the Board based on a staff memorandum dated August 23, 2012, pertaining to the development of Virginia's Clean Water Revolving Loan Project Priority List and Intended Use Plan for FY 2013.

Mr. Kennedy began by referencing the attachments included with the staff memo providing the Board with a description of the projects being considered and presenting the FY 2013 applicants in priority funding order. The 2013 application pool included 13 wastewater projects and 1 storm water project requesting a total of \$54.1 million in loans. He noted that at least \$60 million in base funds is estimated to be available to support this year's projects.

The Board was given a summary of the staff activities in regards to the review of the applications in accordance with the program's policies and procedures, noting that all of the wastewater applications as well as the storm water project were determined to be eligible and provide direct benefits to water quality. With these considerations, the Board would have sufficient revenue available to fund the \$54.1 million for all the applications that were received.

Following some discussion about past funding availability and expectations for the federal SRF budget amount, the Board voted unanimously to target the following 14 applicants for loan assistance from available and anticipated funds, subject to the verification of the information in the loan applications (especially schedules) and the availability of funds, and authorize the staff to present the Board's proposed FY 2013 loan project priority list for public review and comment:

1	City of Lynchburg	\$2,000,000
2	Town of Rural Retreat	\$107,000
3	City of Salem	\$3,138,087
4	Scott County Public Service Authority	\$1,400,000
5	Town of Grottoes	\$2,083,000
6	Augusta County Service Authority	\$10,021,50
7	Town of Clifton Forge	\$1,187,000
8	King George County Service Authority	\$967,999

9	City of Norfolk	\$10,000,00
10	Tazewell County Public Service Authority	\$9,255,550
11	Town of Coeburn	\$1,509,240
12	C-N-W Waste Water Treatment Authority	\$4,654,170
13	Loudoun Water	\$6,760,000
14	City of Richmond	<u>\$1,060,650</u>
Total		\$54,144,196



 Melanie D. Davenport
 Water Division Director



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MINUTE NO. 11 – Water Division Director's Report

John Kennedy, Office of Ecology and Infrastructure Director, provided the Board with updates on the Chesapeake Bay Total Maximum Daily Load (TMDL) and reported progress under Virginia's Watershed Implementation Plan (WIP). A handout was provided of progress toward the 2009-2011 WIP milestone commitments, which is accessible on the EPA-Bay TMDL webpage:

[http://www.chesapeakebay.net/documents/ecbrief/18163/part_ii -
_progress_toward_healthy_waters.2009-11_milestones_final_progress.final.pdf](http://www.chesapeakebay.net/documents/ecbrief/18163/part_ii_-_progress_toward_healthy_waters.2009-11_milestones_final_progress.final.pdf)

A second handout was given to the Board describing the next set of two year milestones for 2012-2013, accessible here: http://www.chesapeakebay.net/documents/ecbrief/18163/chesbay_2012-13_milestones_fact_sheets.pdf

Background was given on EPA's adoption of the Bay TMDL and Virginia's submission of the Phase 1 and Phase 2 WIPs. A summary of point source and nonpoint source nutrient reduction progress was given, noting that Virginia saw significant results from the ongoing upgrades to sewage treatment plants regulated under the Chesapeake Bay Watershed General Permit. During the initial milestone period, Virginia saw greater reductions from wastewater facilities than any other state in the Bay watershed. The milestone commitment for nitrogen was 233,000 pounds; 4.8 million pounds were actually reduced (over 2,000% of the commitment). The milestone commitment for phosphorus was 126,000 pounds; 585,000 pounds were reduced (465% of the commitment). This over-achievement resulted from a combination of the innovative Watershed General Permit, the Nutrient Credit Exchange Program and cost-share funding to municipal wastewater plants from the Water Quality Improvement Fund. As a result of these ongoing nutrient control upgrades, point source loads continue to be well below the allocations called for the WIP and TMDL.

The Board was informed that progress results for nonpoint sources were not as clear, but improvements are clearly being made through the implementation of best management practices and technical assistance from DCR. The NPS control practices proposed in 2009 were a mix of practices that would achieve loading reductions from each nonpoint source type. It was presumed at the time that this mix of practices would likely change and the focus was not on achieving exactly the amount for each practice, but rather the reductions from all of them collectively. The milestones were also somewhat confounded by the structure of the Chesapeake Bay model which does not always allow crediting of reported practices due to acreage limitations on certain land uses in the model. For example, it may be reported that an agricultural practice was installed on 1,000 acres, but the model says there are only 900 acres available for that practice, so credit is not given for the reported practice on those remaining 100 acres. This is an ongoing issue that DCR is working to resolve with EPA.

Staff then responded to several questions from the Board on issues such as future revisions to waste load allocations, nutrient trading, point source compliance on the Eastern Shore, and general Bay water quality conditions.


Melanie D. Davenport
Water Division Director



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MINUTE NO. 12 – Future Meetings

The Board confirmed December 6-7, 2012, as the dates of their next meeting.



Cindy M. Berndt